

Appln. No. 10/784,862  
Amendment dated October 31, 2005  
Reply to Office Action mailed June 30, 2005

### **REMARKS**

Reconsideration is respectfully requested.

Claims 1 through 7 and 9 through 20 remain in this application. Claim 8 has been cancelled. No claims have been withdrawn. Claim 21 has been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

#### **Part 1 of the Office Action**

Claim 19 has been objected to for the informalities noted in the Office Action.

Claim 19 has been amended in a manner believed to clarify any informalities in the language.

Withdrawal of the objection to claim 19 is therefore respectfully requested.

#### **Part 2 of the Office Action**

Part 2 of the Office Action states that claims 8 through 10 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claim 8 into the recitation of claim 7, and therefore claim 7 is believed to be in condition for allowance. Claims 9 through 13, by virtue of their dependency from amended claim 7, are also submitted to be in condition for allowance.

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**Parts 3 and 4 of the Office Action**

Claims 1 through 7, 11, 12, and 14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Mesibov.

Claims 13 and 15 through 19 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Mesibov.

Claim 1, particularly as amended, requires "a motion detection assembly including a coupling assembly configured to be wearable by a child on the child's body for detecting when the child rolls over" and "a monitoring assembly *configured to be wearable by a person on the person's body*, the monitoring assembly being configured to operationally interact with said motion detection assembly, said monitoring assembly providing an indication when motion is detected by said motion detection assembly".

The Mesibov patent, which is relied upon in the rejections of the Office Action, shows a position monitor with one component on the child and the other component mounted on a portion of the bed that the child is sleeping in. There is no suggestion in the Mesibov patent that the bed-mounted component could or should be mounted on a person such as an adult. In fact, the major embodiments of the Mesibov system employ reflected IR energy detected by the bed-mounted component in order to detect the position of the child, and clearly positioning this component on a person rather than a portion of the bed above the child would destroy the functionality of the embodiments by making it difficult if not impossible to detect the reflected energy from the component on the child. In any event, the positioning of the transceiver 28 or the remote sensor 90 on or in any manner attached to a person is not suggested by Mesibov.

It is therefore submitted that the Mesibov patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in claim 1, especially with the requirements set forth above, and therefore it is

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submitted that claim 1 is allowable over the prior art. Further, claims 2 through 6 and 14 through 19, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

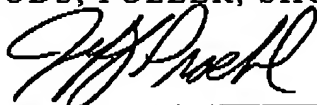
Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 6 and 10 through 20 is therefore respectfully requested.

### CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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Date: Oct. 31, 2005